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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,711	03/26/2004	Tuija Hurta	39700-613001US/NC40049US	8090

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

WILSON, ROBERT W

ART UNIT	PAPER NUMBER
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2475

MAIL DATE	DELIVERY MODE
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11/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,711	Applicant(s) HURTTA ET AL.	
	Examiner ROBERT W. WILSON	Art Unit 2475	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 20-23, 25, 26, 31, 34-49 and 51-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 20-23, 25, 26, 31, 34-49 and 51-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 25, claim 25 is rejected under 101 because the phrase "computer readable medium" recited in claim 25 can be interpreted as a transitory form of signal transmission; therefore, the "computer readable medium" is interpreted as a signal per se. The examiner suggest that the applicant consider amending the claim to clearly state that the computer readable medium is non-transitory.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-12, 14, 20-23, 25, 26, 31, 34-49, 51-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Referring to claim 1, where is the support in the specification for "sending from a gateway to a policy control entity a message ..." and "receiving at the gateway from said policy control entity a message indicating a traffic flow decision"? Claim 50 was not part of the original claims and the examiner cannot find the support for claim 50 therefore it appears that the applicant has added new matter.

6. Referring to claim 25, where is the support in the specification for "sending from a gateway to a policy control entity a message ..." and "receiving at the gateway from said policy control entity a message indicating a traffic flow decision"? Claim 50 was not part of the

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original claims and the examiner cannot find the support for claim 50 therefore it appears that the applicant has added new matter.

7. Referring to claim 26, where is the support in the specification for “sent from the gateway to a policy control entity” and “the decision including the traffic flow control policy sent from the policy control entity to the gateway”? Claim 50 was not part of the original claims and the examiner cannot find the support for claim 50 therefore it appears that the applicant has added new matter.

8. Referring to claim 31, where is the support in the specification for a “transmitter to send” and “receiver to receive”? Claim 50 was not part of the original claims and the examiner cannot find the support for claim 50 therefore it appears that the applicant has added new matter.

9. Referring to claim 54, where is the support in the specification for “policy control entity receiving a message which has the determined type of access and the support for the policy control entity” and “sending a message to the gateway containing the traffic policy decision”? Claim 54 as well as claim 50 was not part of the original claim set therefore the examiner believes that the applicant has added new matter.

10. Referring to claim 58, where is the support in the specification for “transmitter configured to send a gateway from said policy control entity a message indicating the traffic flow control policy”? Claim 58 as well as claim 50 was not part of the original claim set therefore the examiner believes that the applicant has added new matter.

11. Referring to claim 62, where in the specification is there support for a “means for sending to a gateway from said policy control entity a message indicating said traffic flow control policy”?

Drawings

12. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims: such as, “sending from a gateway to a policy control entity a message ... and receiving at the gateway from said policy control entity a message indicating a traffic flow decision” as claimed in claim 1; “sending from a gateway to a policy control entity a message ... and receiving at the gateway from said policy control entity a message indicating a traffic flow decision” as claimed in claim 25, “message sent from the gateway to a policy control entity” and “the decision including the traffic flow control policy sent from the policy control entity to the gateway” as specified in claim 26; a “transmitter to send” and receiver to receive” as specified in claim 31; “policy control entity receiving a message which has the determined type of access” and “the policy control entity sending a message to the gateway containing the traffic policy decision” as specified in claim 54; “transmitter configured to send a gateway from said policy control entity a message indicating the traffic flow control policy” as specified in claim 58; and “means for sending to a gateway from said policy control entity a message indicating said traffic flow control policy” as specified in claim 62; Therefore, the features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 34 & 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 34, the examiner cannot find the antecedent basis in the specification for the structure of “means for sending” and the “means for receiving”; therefore, the metes and bounds of the claim cannot be assessed.

Referring to claim 62, the examiner cannot find the antecedent basis in the specification for the structure of “means for sending”; therefore, the metes and bounds of the claim cannot be assessed

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Claim Objections

15. Claim 34 & 62 are objected to because of the following informalities: Referring to claim 34, the examiner objects to usage of description before usage of “ means for” because "means for" has a particular meaning under 112/6th paragraph and the descriptions do not add value . The examiner recommends that the applicant amend the claims so that means for appears first along with the function to be performed. Appropriate correction is required.

Response to Arguments

16. Applicant's arguments with respect to claims 1-14, 20-23, 25-26, 31, 34-49, & 51-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2475

RWW
10/2/09